

Legislation

continued from previous page

- The bill limits any claims for reimbursement for regulatory technical assistance to \$3,000 per claim, and further provides that reimbursable technical assistance only includes help in the preparation and submission of a claim.

- The bill authorizes the manager of the fund to require closure of a tank case managed by a regional water board or a local agency under the local oversight program. For tanks not managed under either of these situations, the fund manager may recommend to the local agency that the case be closed.

- The bill establishes a new procedure authorizing appeals from a decision by the fund manager, upon request of a claimant, refusing to authorize closure at a site, or authorizing closure at a site. That appeal may be made by any "aggrieved person."

- The bill specifies that "corrective action" is complete when a local agency or regional board has issued a closure letter, thereby clarifying that no claim for corrective action costs is payable until that time.

WATER QUALITY AND SUPPLY

AB 1812 (Ackerman) Orange County Water District-The Act creating the District authorizes it to impose a "basin equity assessment" or production limitations on all individuals and producers using District water for the protection of the District's groundwater supplies. This bill authorizes the District to categorize "supplemental sources" as "groundwater" for the purpose of determining if action in the form of an assessment or limitation is necessary. Supplemental sources are sources of water outside of the Santa Ana River watershed, including water obtained from the Metropolitan Water District. The bill thus authorizes the District to impose assessments to protect those sources or impose limits on the use of water from them.

AB 1862 (Migden) Waste Discharge Requirements-This spot bill starts with a legislative finding that

"chronic" violations of waste discharge requirements) (i.e., effluent limits) undermine the water quality of the state and are unfair to entities that comply with those requirements.

AB 2019 (Kuehl) Stormwater Discharges-This bill would institute a major enforcement program to crack down on those businesses or municipalities who have failed to either file a Notice of Intent to comply with the general industrial or construction permits of the State Water Board or have failed to file individual NPDES permit applications, or have failed to file any reports required as a condition of the general permits or their individual permits. Each regional board (or the State Board on behalf of the regions) would be required to prepare a list each year of noncompliers, and then give notice to those noncompliers. Those who fail to respond would face automatic fines.

AB 2045 (Ashburn) Water District Directors-Currently directors of water districts in California formed under the general Water District law must either be holders of land within the District or "legal representatives" of those holders. This bill redefines both categories.

AB 2231 (Aroner) Shellfish Studies and Warnings-This bill requires each regional water board, as part of its Toxic Hot Spots Act duties, to conduct comprehensive fish and shellfish studies to develop levels of toxic pollutants within those species consumed by the public which create potential concern for human health. This information would be given to the State Department of Health Services, which would use it to post warnings at public fishing sites, where necessary.

AB 2302 (Runner) Effluent Limits-This bill requires each regional board in prescribing any effluent limit as part of a discharge permit or one for a dredge and fill operation to make detailed findings, specific to the receiving water in question, that the pollutant subject to the limit has the potential to cause or contribute to a failure to achieve a water quality objective applicable to those waters.

AB 2339 (Sweeney) Citizens Suits and Toxic Hot Spots-This bill authorizes any citizen to file a civil action against any person alleged to be in violation of requirements imposed under the state's water quality act (Porter-Cologne Act) or against the state or regional board, if either fails to discharge a required duty under the Act. Although citizens suits are authorized under the federal Clean Water Act, there is no authorization for suits under the state act.

The bill also requires the state and regional boards, in carrying out their duties under the Bay Protection Toxic Cleanup Program (Hot Spots Act), to comply with the state's open meeting law and with CEQA, and requires the State Board before it submits its statewide report on the program to the Legislature in 1999 to hold at least one hearing in each of the state's nine regions.

AB 2392 (Margett) Perchlorate-This bill appropriates \$500,000 to the University of California to assess the occurrence and health effects associated with groundwater contaminated with ammonium perchlorate.

AB 2439 (Bowen) Discharges from 2-Stroke Engines-Recent reports have alleged pollution of the state's lakes and reservoirs through discharges of fuel, often containing traces of MTBE, from small engines used on boats. This bill would make it unlawful for any person to discharge unburned fuel and oil from the operation of watercraft propelled by a 2-stroke engine with a power rating of greater than 10 horsepower into any lake or reservoir that serves as a domestic water supply.

AB 2573 (Machado) Review of Water Rights Decisions-This bill provides that the decision of the United States not to be a party in any court case involving the review of a State Water Board water rights decision on a permit to appropriate water held by the state or the U.S. shall not be a basis for dismissal of the case. The bill also provides that neither the State Board nor any other state agency can claim sovereign immunity in any removal to federal court of such a proceeding.